

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

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| <b>IN RE: ETHICON, INC. PELVIC<br/>REPAIR SYSTEM PRODUCTS<br/>LIABILITY LITIGATION</b><br><br><b>THIS DOCUMENT RELATES TO:</b><br><br><b>ETHICON WAVE 1 CASES LISTED IN<br/>EXHIBIT A</b> | <b>Master File No. 2:12-MD-02327<br/>MDL No. 2327</b><br><br><b>JOSEPH R. GOODWIN<br/>U.S. DISTRICT JUDGE</b> |
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**PLAINTIFFS' *DAUBERT* MOTION TO EXCLUDE, OR IN THE ALTERNATIVE,  
TO LIMIT THE OPINIONS AND TESTIMONY OF ROGER MCLENDON, M.D.**

**COMES NOW** Ethicon Wave 1 Plaintiffs listed in Exhibit A, by and through the undersigned attorneys, and file this *Daubert* Motion to Exclude, or in the Alternative, to Limit the Opinions and Testimony of Roger McLendon, M.D. and would respectfully show the Court that Dr. McLendon should be excluded for the following reasons:

1. Dr. McLendon is not qualified to offer general opinions on transvaginal mesh devices, including opinions on how transvaginal mesh products perform when implanted in the female body, the cause of pain in women implanted with transvaginal mesh products, the pathological-specific findings associated with implanted mesh products, and the science of mesh devices generally;
2. Dr. McLendon is not qualified to criticize the opinions of Dr. Iakovlev; and
3. Dr. McLendon failed to use reliable, scientific methodology when formulating his opinions in these cases.
4. In support of this motion, Plaintiffs have submitted a memorandum of law and also rely upon the following attached exhibits:

- a. A true copy of the Expert Report of Dr. McLendon, defendants' disclosed expert pathologist and neuropathologist attached hereto as Exhibit B;
- b. A true copy of the 9/29/15 Deposition of Dr. McLendon, attached hereto as Exhibit C.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their *Daubert* Motion to Exclude, or in the Alternative, to Limit the Opinions and Testimony of Roger McLendon, M.D. Additionally, Plaintiffs request all other and further relief to which they may be justly entitled.

Dated: April 21, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing document on April 21, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

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